

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ANN E. BECKER,	:	
Plaintiff	:	
	:	
vs.	:	CIVIL NO. 1:CV-04-1003
	:	(Judge Caldwell)
JO ANNE B. BARNHART,	:	
Commissioner of	:	(Magistrate Judge Blewitt)
Social Security,	:	
Defendant	:	

O R D E R

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

Plaintiff has filed objections to the report of the magistrate judge recommending that Plaintiff' appeal from the denial of her claim for social security disability benefits be denied. Plaintiff sought disability on the basis of Grade III chondromalacia of the left knee and chondromalacia of the right knee.

We have reviewed the file and the objections and will adopt the magistrate judge's report. We add here that we reject Plaintiff's objection that the administrative law judge (ALJ) failed to adequately develop the record. The objection arises from the ALJ's rejection of Plaintiff's credibility on the degree of her disabling pain by noting the absence of any medical evidence of the loss of muscle tone or other problems that would have arisen from being couch- or bed-ridden all day, as Plaintiff

testified. The ALJ also relied on the treating physician's medical note of February 23, 2004, that they would "continue with her exercises" as rebutting a restricted lifestyle. (Doc. 9, Record at 160). Under *Reefer v. Barnhart*, 326 F.3d 376 (3d Cir. 2003) Plaintiff objects that the ALJ should have obtained the opinion of her treating physician or some other doctor concerning these medical issues. We disagree because *Reefer* is distinguishable. In *Reefer*, the ALJ had failed to obtain certain medical records concerning some of the plaintiff's major ailments. Here, all medical records were before the ALJ.

AND NOW, this 27th day of June, 2005, upon consideration of the report (doc. 17) of the magistrate judge, filed May 3, 2005, and the objections that were filed, and upon independent review of the record, it is ordered that:

1. The magistrate judge's report is adopted.
2. Plaintiff's appeal is denied.
3. The Clerk of Court shall close this file.

/s/William W. Caldwell
William W. Caldwell
United States District Judge